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PAC TEL
Corporation

A Pacific Telesis Company

RECEIVED

JAN 25 1994

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

January 25, 1994

William F. Caton
Acting Secretary
Federal Communications Commission
Mail Stop 1170
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: ET Docket No. 93-62

Dear Mr. Caton:

On behalf of PacTel Corporation, please find enclosed an original and six copies of its "*Comments*" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,

David A. Gross/dm

David A. Gross

Enclosures

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10-11-1994

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JAN 25 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:

Guidelines for Evaluating the
Environmental Effects of
Radiofrequency Radiation

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ET Docket No. 93-62

COMMENTS OF PACTEL CORPORATION

Pamela Riley
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SUMMARY

The FCC's proposed incorporation of the new ANSI standard reflects the most up-to-date analysis about the known biological effects of radiofrequency emissions. Preemption of alternative EMF standards by state and local agencies is needed to advance a consistent and scientific approach to the safe operation and deployment of FCC licensed facilities.

Additionally, PacTel Corporation urges the Commission to maintain its existing categorical exclusion for land mobile radio facilities from requirements regarding routine environmental evaluation. The possibility for human exposure in excess of the standard is so low that additional filing requirements would impose a cost far in excess of any benefit.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Guidelines for Evaluating the)
Environmental Effects of)
Radiofrequency Radiation)

ET Docket No. 93-62

Comments of PacTel Corporation

PacTel Corporation, a subsidiary of Pacific Telesis Group, is a holding company filing these comments on behalf of its wireless subsidiaries. PacTel Companies include cellular carriers subject to Part 22, paging carriers subject to Part 90 and radiolocation services holding temporary licenses under Part 90. These wireless networks also utilize microwave frequencies licensed under Part 21.

The Commission's proposal to amend and update its guidelines used for evaluating the environmental effects of radiofrequency radiation is an important part of the process in place to ensure that the public is not exposed to unsafe levels of EMF emissions from FCC licensed facilities. In light of the very limited potential for exposure in excess of the guidelines established, low powered land mobile systems should continue to be exempt from requirements for filing transmitter specific engineering analysis. To insure consistent application of these standards to all FCC licensed facilities, the FCC should preempt state and local

regulators from adopting standards which differ from those approved by ANSI/IEEE.

I. Application of the Revised ANSI/IEEE Standards

PacTel supports the FCC's commitment to incorporating the most up-to-date standards adopted by the scientific community regarding maximum safe exposure levels of electromagnetic frequency emissions. By requiring that FCC authorized transmitters meet the latest ANSI standards for RF emissions, the FCC provides appropriate protection to the public and the industries it regulates.

The ANSI standard is based upon a rigorous process involving the critical assessment of several thousand studies on the biological effects of exposure to high frequency radio waves. These studies, subject to traditional scientific methods of replication and validation, have yielded detailed data on frequency, duration and intensity of exposure levels which could pose some risk to human health.

Consensus on the maximum exposure level recommended is achieved through balloting of experts with diverse backgrounds in a range of scientific disciplines. The standard includes a safety margin to allow for the possibility of unknown or unconfirmed effects and is subject to ongoing investigation, review and revision. As new

versions of the standard are adopted, it is appropriate for the FCC to modify its rules accordingly.

II. Preemption of Inconsistent Emission Standards

The Commission's confidence in the depth and breadth of the standards process would be demonstrated by preempting state and local authorities from adopting more stringent standards than those adopted by the IEEE committees. Within the context of approving radio facility zoning, use and construction permits for transmission facility sites, local entities are increasingly questioning the safety of RF emissions which meet federal standards. Additionally state agencies with responsibility for environmental protection are conducting independent investigations into the safety of RF radiation.¹

While state and local agencies currently have authority to consider a wide range of environmental factors in authorizing the placement of telecommunications facilities, their deliberations on safe levels of RF radiation must defer to the scientific expertise of the standards bodies. State and local review of scientific evidence and potential requirements for alternative RF exposure limits frustrates FCC objectives for efficient radio communications services with adequate facilities. Lengthy delays, wasted resources

¹ See, e.g., Order Instituting Investigation on the Commission's Own Motion to Develop Policies and Procedures for Addressing the Potential Health Effects of Electric and Magnetic Fields of Utility Facilities, California Public Utilities Commission, I.91-01-012, January 15, 1991.

and public confusion result from legal proceedings on the highly complex and specialized area of the biological hazards of radiofrequency radiation.

In one recent example, the Planning Commission of the City of Rancho Palos Verdes, California issued a use permit to PacTel Cellular for a cellular facility in which, due to EMF concerns, conditions were imposed upon the power level and number of radio channels which could be used at the facility.² Such requirements are clearly beyond the zoning jurisdiction of local authorities, and directly conflict with FCC authority "over all the channels of radio transmission."³ By holding PacTel Cellular to a standard for cellular operations independent of FCC rules, the Planning Commission is unlawfully interfering with established federal policy regarding safe power levels, as well as the proper and efficient technical operations of cellular radio facilities.⁴

² See Attachment 1, Conditional Use Permit issued January 11, 1994, Condition No. 4, page 3, limiting the total number of radio channels in use to 15.

³ Section 301 of the Communications Act of 1934, as amended. See also People of the State of California v. FCC, 798 F.2d 1515, 1519-20 (D.C. Cir. 1986), stating that while states retain authority over the common carriage aspects of intrastate radio services, the Commission has exclusive jurisdiction over the technical radio transmission aspects of such services.

⁴ Preemption over state or local rulings on EMF emissions is consistent with FCC cases preempting local regulations regarding radio frequency interference. See, e.g., In the Matter of Mobilecomm of New York, Inc., 2 FCC Rcd 5519, (Com. Car. Bur. 1987), holding that even with regard to the intrastate components of a radio common carriage communications service, the Commission's authority to prevent interference is exclusive.

In a second example, the City Council of West Hollywood, California overturned two conditional use permits approved by the Planning Commission to modify existing cellular antennas of PacTel Cellular.⁵ At City Council hearings held on the matter, concern was expressed about the safety of EMF emissions which were well under exposure levels adopted by ANSI as posing no risk to human health. The City Council concluded that absent proof that cellular emissions were safe, it had a duty to protect the public from the risk of harm from new or modified cellular and microwave facilities.

Such a result, if adopted by municipalities across the country, would bring a virtual end to the widespread availability of reliable cellular service. Scientific investigation into the safety of cellular and other EMF sources is ongoing: questions are raised, research is conducted, and biological responses are evaluated. It is never possible to know whether new studies will produce new results. It is possible to set up-to-date thresholds for harmful effects based upon the most recent measurements and studies, and by incorporating a substantial margin of safety for unknown effects, protect the public health. Cellular facility emissions are hundreds of times below existing consensus exposure standards for radiofrequency protection. Local entities must defer to the experts involved in the

⁵ See Attachment 2, Resolution Nos. 1160 and 1161 of the City of West Hollywood, dated July 6, 1993, at Sections 4.

rigorous standards-setting process and work to build the public's trust in that process.

Increasingly faced with challenges to the safety of FCC authorized equipment, mobile facility planners will attest to the very real effect such challenges have on the build-out of wireless networks. Ironically, by slowing down the deployment of new radio facilities in the cellular industry, these public agencies in many cases are preventing installation of smaller and lower powered transmitters than the existing transmitters they are meant to supplement. Local imposition of stricter exposure standards affects overall network efficiencies without a correlating benefit to the public health, given the safety factor in the standard of exposures 50 times below potentially unsafe radiation levels. Given the impact of state and local deliberations and safety challenges on nonseverable interstate and intrastate services provided by these facilities, PacTel urges the FCC to preempt the establishment of independent state or local guidelines on RF exposure of federally licensed facilities.

III. Categorical Exclusions

The National Environmental Policy Act (NEPA) guidelines issued by the Council on Environmental Quality permit the FCC to exclude categorically from environmental processing those actions which do not individually or cumulatively have

a significant effect on the human environment. Continuation of the FCC's existing categorical exclusion for land mobile facilities is appropriate given the minimal opportunity for overexposure and land mobile's minute contribution to the ambient EMF emissions in the environment.

In Paragraph 27 of the Notice, comments were requested on whether the Commission should routinely require documentation or evidence from applicants who claim compliance with environmental RF guidelines. PacTel strongly opposes the imposition of increased regulatory filings which will not result in increased protection to the public or serve any other public interest goals.

By checking NO in response to an application form question regarding whether authorization of a particular facility would have a significant environmental impact, an applicant is acknowledging compliance with RF exposure limits adopted by the Commission. Additional requirements for Environmental Impact Reports including actual field measurements or other "proof" on a transmitter by transmitter basis would be a very costly undertaking for wireless licensees. The resulting reams of data would prove of little value to the Commission given the very low possibility of public exposure to unsafe levels of RF radiation from land mobile facilities.

1. Cellular Transmission Facilities

For cellular transmitters, calculations of the effective radiated power under normal and routine conditions of use indicate RF exposures in uncontrolled environments hundreds of times below the new ANSI guidelines. This is due to the low operating power levels, the placement of the antennas, and the rapid decrease in power density as the radio wave propagates.

The nature of cellular technology requires that operating power levels of cellular transmission be kept very low in order to prevent interference by one transmitter with operations of another on the same frequency. A cellular transmitter typically transmits at a maximum of 100 watts effective radiated power per channel. In rare instances, there are cell site transmitters that operate at up to 500 watts in order to cover greater distances, but this generally occurs only in remote areas where there is limited demand for channel reuse.

The design of cell sites mitigates any potential for human exposure to high levels of EMF. Cellular antennas are typically installed on towers in order to extend coverage as efficiently as possible. The propagation pattern of the radio waves from the cellular antenna is such that the majority of the radio frequency energy is directed toward the horizon and not downward. This contributes to the very

low levels of radio frequency energy near the base of the tower, or in any publicly accessible area.

As the demand for cellular service increases, the need for denser placement of cellular antennas has led to the use of rooftop transmitter sites. As the density of the cells increases, the power levels must decrease in order to prevent the signal from spilling over into neighboring cells. Thus cellular transmitters in highly populated urban areas whether on buildings or special monopoles have transmission powers often well below the permitted maximums.

Measurements taken in and around operating cellular transmitters validate calculations made using simulation models. During recent years significant advances have been made in instrumentation and the techniques for measuring complex electromagnetic fields. Appended as Exhibit 3 to PacTel's Comments is a copy of a document filed by two cellular carrier associations in an investigation by the California Public Utilities Commission into the safety of cellular EMF. This document summarizes actual field measurements taken of cellular transmission facilities operating under both normal and peak operating conditions by Dr. Jerrold Bushberg, Clinical Associate Professor of Radiology and Radiation Safety Officer at the University of California at Davis Medical Center. Dr. Bushberg describes the measurement procedures and analyzes the data under both

the old 1982 IEEE ANSI standards and the more restrictive NCRP standard which tracks the updated 1992 IEEE ANSI standard proposed for adoption in the Commission's Notice.

Dr. Bushberg observed that measurements taken under normal operating conditions indicated power densities approximately 3.1% of the most restrictive NCRP standard (comparable to 1992 ANSI standard for uncontrolled environments). For peak power densities measured under maximum power output, adjacent to the transmitting tower, the highest measurement taken represents less than 6% of the maximum NCRP level.

2. Other Land Mobile Facilities

Microwave: Microwave transmission facilities also warrant a continued categorical exemption, based upon their low power levels. Additionally, the focused directionality of microwave transmissions make it highly unlikely that a hazard to the public is posed.

Paging: Paging facilities are authorized to operate at power levels up to 500 watts or system effective radiated power of 3500 watts. Conservative calculations based upon maximum power levels indicate levels of radiation far below the maximum permitted in uncontrolled environments. No change in the categorical exclusion for paging transmitters is justified.

Automatic Vehicle Monitoring: PacTel Corporation, through its PacTel Teletrac joint venture, also operates vehicle monitoring systems licensed under Part 90 of the Commission's rules. PacTel Teletrac's base stations, licensed in the 904-912 MHz band, operate well below the authorized limits of 1000 watts effective radiated power (ERP). Typically power levels range between 75 watts and 150 watts and antennas are installed on tall buildings or towers 200 feet above the ground. These extremely low operating powers result in RF emissions in the uncontrolled environment far below the 1992 ANSI standards.

PCS: As recognized by the Commission, the 1992 ANSI standard does not apply to facilities operating on frequencies above 1.5 GHz. PacTel supports the approach taken by the Commission in its June 1993 letter to the IEEE Standards Board.⁶ That request sought to test whether the power density formula used for the lower frequencies is applicable to PCS facilities licensed from 1850-2200 MHz. If ANSI does approve extrapolation of the formula for the higher frequencies, PCS base stations operating at the low power levels adopted by the Commission would also warrant a categorical exclusion.⁷

⁶ Amendment of the Commission's Rules to Establish Personal Communications Services (Second Report and Order) GEN Docket No. 90-314, FCC 93-451, released October 22, 1993 ("PCS Order") at fn. 139.

⁷ See PCS Order at Para. 156.

IV. Controlled versus Uncontrolled Environments

PacTel supports the approach outlined in Paragraph 13 of the Notice to apply the guidelines for uncontrolled environments to any facilities that are in locations where proximity to the RF source may be unrestricted. In restricted areas where the only persons with access are aware of the potential for RF exposure, the higher levels for controlled environments should apply.

Within controlled environments, the Commission notes in Paragraph 21 the possibility that workers in the immediate vicinity of a transmitting antenna could be exposed to RF fields in excess of the guidelines. PacTel believes the Commission should require that FCC licensees have in place occupational exposure guidelines to prevent worker exposure above the maximum levels set by ANSI. These procedures would likely vary from company to company depending upon the location and type of transmitters, and the need to coordinate with other providers of radio services in the vicinity of any particular transmitter. A wide range of approaches can be used to mitigate against the risk of worker exposure including training, access to site measurement data, protective clothing, and the use of RF sensing devices.

V. Conclusion

For the reasons set forth above, PacTel respectfully requests Commission adoption of its recommendations in this proceeding.

Respectfully submitted,


Pamela Riley

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Washington, D.C. 20004

Counsel for PacTel

January 25, 1994

P.C. RESOLUTION NO. 94-4

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES APPROVING REVISION "A" TO CONDITIONAL USE PERMIT NO. 119, TO ALLOW MODIFICATIONS TO AN EXISTING 80-FOOT CELLULAR ANTENNA MONOPOLE LOCATED ON THE CITY HALL SITE AT 30940 HAWTHORNE BOULEVARD.

WHEREAS, PacTel Cellular has requested a revision to Conditional Use Permit No. 119, in order to allow the following modifications to the existing cellular antenna monopole located on the City Hall site at 30940 Hawthorne Boulevard:

- Remove the five (5) existing omni-directional whip antennas.
- Install two new omni-directional whip antennas pointed downward which are approximately the same length and diameter as those which are existing.
- Install eleven (11) new directional antennas of the following type:
 - Eight (8), 24-inch long, 12 inch wide, and 5-inch deep panel antennas attached to the triangular framework at the top of the pole.
 - Two (2), 52-inch long, 13-inch wide, and 12-inch deep panel antennas, also attached to the existing triangular grid framework.
 - One (1) grid-parabolic dish antenna not to exceed six (6) feet in diameter mounted to the utility pole at a height of approximately 70 feet; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. ("CEQA"), the State CEQA Guidelines, and the City's Local CEQA Guidelines, the City prepared an Initial Study and determined that there was no substantial effect on the environment. Accordingly, a draft Negative Declaration was prepared and notice of that fact was given by the manner required by law; and,

WHEREAS, a Negative Declaration associated with Environmental Assessment No. 656 in conjunction with this Conditional Use Permit was adopted through P.C. Resolution No. 94-_____ on January 11, 1994; and,

WHEREAS, a duly noticed public hearing was held before the Planning Commission at its regular meetings on November 9, 1993, December 14, 1993, and January 11, 1994, at which times all interested parties were given the opportunity to be heard and present evidence and testimony.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

Section 1: That the City Council has previously reviewed and approved, through Resolution No. 88-15 on March 1, 1988, Conditional Use Permit No. 119, and a related Negative Declaration for the existing cellular antenna monopole and support facilities on the City Hall site.

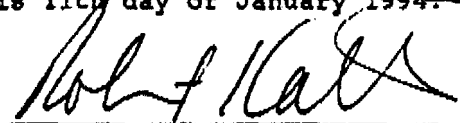
Section 2: That the ±6 acre site is adequate in size and shape to accommodate the modifications to the existing antenna and support facilities, which has been deemed especially suitable for the proposed use because its elevation and location allow signal coverage of most of the southern portions of the peninsula without interference to other local cellular telephone facilities.

Section 3: That the Planning Commission determined that the requested modifications to the monopole would result in a less intense visual impact than the monopole itself, and therefore finds that the requested changes do not constitute a significant increase in adverse view impact.

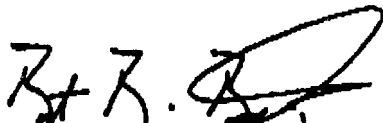
Section 4: That the Planning Commission determined that the requested modification to the monopole would not result in any significant direct or indirect risks to human health, either individually, or cumulatively.

Section 5: Based on the facts contained in this Resolution, in the Staff Report, Minutes, and other components of the legislative record, in the draft Negative Declaration, and in the public comments received, the Planning Commission of the City of Rancho Palos Verdes hereby adopts the Negative Declaration associated with Environmental Assessment No. 656 for Conditional Use Permit No. 119, Revision "A."

PASSED, APPROVED, and ADOPTED on this 11th day of January 1994.



Robert Katherman,
Chairman



Bret B. Bernard, AICP
Director of Planning, Building, and
Code Enforcement, and Secretary to
the Planning Commission

DJ25:PCTLNDRS.JAN

EXHIBIT "A"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 119, REVISION "A"

1. The requested modifications must comply with all previous conditions of approval designated by the City Council on March 1, 1988, for Conditional Use Permit No. 119, through Resolution No. 88-15 (Exhibit "A").
2. This approval is limited to the following modifications:
 - Remove the five (5) existing omni-directional whip antennas.
 - Install two new omni-directional whip antennas pointed downward which are approximately the same length and diameter as those which are existing.
 - Install eleven (11) new directional antennas of the following type:
 - Eight (8), 24-inch long, 12 inch wide, and 5-inch deep panel antennas attached to the triangular framework at the top of the pole.
 - Two (2), 52-inch long, 13-inch wide, and 12-inch deep panel antennas, also attached to the existing triangular grid framework.
 - One (1) grid-parabolic dish antenna not to exceed six (6) feet in diameter mounted to the utility pole at a height of approximately 70 feet; and
3. The shapes, sizes, and configuration of the proposed antennas must be installed in substantial compliance with the plans submitted to and approved by the Planning Commission on January 11, 1994.
4. The use of PacTel's antennas and monopole shall be restricted to cellular telephone transmission only. Any increases beyond 15 channels (at 100 watts per channel) and/or changes in usage, other than for natural disasters or other emergency situations, shall require a separate revision to this Conditional Use Permit.
5. If the terms of the lease agreement associated with this project are violated by the applicant, this Conditional Use Permit shall be subject to revocation by the Planning Commission.
6. In the case of natural disaster or similar emergency situation, PacTel may, at the discretion of the City Manager or his designee, be permitted to erect temporary antenna(s) on the monopole install related ground equipment, and/or increase channel and power levels. Said antennas shall be removed within the time parameters authorized by the City Manager or his designee, or this Conditional Use Permit may be subject to revocation.
7. If the applicant is unable to obtain approval from the City Manager or his designee during an emergency or natural disaster, as required in Condition No. 6, the applicant shall obtain written authorization from the City within 5 working days of the event.

DJ25:119RSCUP.WP

RESOLUTION NO. 1160

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD GRANTING AN APPEAL BY MARY WORLEY AND OTHERS OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 92-17 ON AN APPLICATION OF NANCY PATTERSON FOR PACTEL CELLULAR TO PERMIT ADDITIONAL ROOF-TOP MICROWAVE ANTENNAS AND CELLULAR ANTENNAS AT AN UNSTAFFED CELLULAR TELEPHONE FACILITY LOCATED AT 8899 BEVERLY BOULEVARD, WEST HOLLYWOOD.

The City Council of the City of West Hollywood does hereby find, resolve, and order as follows:

Section 1. An application was filed by Nancy Patterson for Pactel Cellular to permit the installation of additional roof-top antennas at an unstaffed cellular telephone facility located at 8899 Beverly Boulevard.

Section 2. A public hearing was called, noticed and held and the Planning Commission approved the request at its regular meeting of January 21, 1993.

Section 3. An appeal of the Planning Commission's decision was filed by Mary Worley and others due to health concerns. A public hearing was called, noticed and held and the City Council considered the appeal at its regular meetings of April 19, 1993 and June 3, 1993.

Section 4. Pursuant to Section 9537 of the West Hollywood Municipal Code, the City Council cannot approve an application for a Conditional Use Permit unless it finds, among other things, that the proposed use would not be detrimental to the public health or safety. At the hearing, the Council heard considerable testimony regarding potential health risks of the proposed use. Thereafter, the Council found as follows:

a. Based on the testimony of Mary Worley and submitted documents referencing various studies, the City Council determined that the installation of additional roof-top microwave antennas and cellular antennas may be detrimental to the public health and safety.

b. That evidence put forth by the applicant and others

in support of the project was inconclusive because no
witness or evidence presented concluded that the
proposed use of the property was safe.

Section 5. Based on the foregoing, the City Council
grants the appeal and hereby denies Conditional Use Permit
92-17.

PASSED, APPROVED AND ADOPTED ON THIS 6th DAY OF July,
1993.

Sal Guarnido
MAYOR

ATTEST:

Mary Jean
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, MARY TYSON, CITY CLERK OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution No. 1160 was duly and regularly introduced, approved and adopted by the City Council of the City of West Hollywood at a regular meeting of said Council held at the regular meeting place thereof on the 6th day of July, 1993, by the following vote:

AYES: COUNCILMEMBERS: KORETZ, LANG, AND
 MAYOR GUARRIELLO.

NOES: COUNCILMEMBERS: LAND AND HEILMAN.

ABSTAIN: COUNCILMEMBERS: NONE.

ABSENT: COUNCILMEMBERS: NONE.

WITNESS MY HAND AND OFFICIAL SEAL THIS 7TH DAY OF JULY, 1993.



MARY TYSON, CITY CLERK

RESOLUTION NO. 1161

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD GRANTING AN APPEAL BY MARY WORLEY AND OTHERS OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 92-19, ON AN APPLICATION OF NANCY PATTERSON FOR PACTEL CELLULAR TO PERMIT ADDITIONAL ROOF-TOP MICROWAVE ANTENNAS AND CELLULAR ANTENNAS AT AN UNSTAFFED CELLULAR TELEPHONE FACILITY LOCATED AT 8228 SUNSET BOULEVARD, WEST HOLLYWOOD.

The City Council of the City of West Hollywood does hereby find, resolve, and order as follows:

Section 1. An application was filed by Nancy Patterson for Pactel Cellular to permit the installation of additional roof-top antennas at an unstaffed cellular telephone facility located at 8228 Sunset Boulevard.

Section 2. A public hearing was called, noticed and held and the Planning Commission approved the request at its regular meeting of February 18, 1993.

Section 3. An appeal of the Planning Commission's decision was filed by Mary Worley and others due to health concerns. A public hearing was called, noticed and held and the City Council considered the appeal at its regular meetings of April 19, 1993 and June 3, 1993.

Section 4. Pursuant to Section 9537 of the West Hollywood Municipal Code, the City Council cannot approve an application for a Conditional Use Permit unless it finds, among other things, that the proposed use would not be detrimental to the public health or safety. At the hearing, the Council heard considerable testimony regarding potential health risks of the proposed use. Thereafter, the Council found as follows:

a. Based on the testimony of Mary Worley and submitted documents referencing various studies, the City Council determined that the installation of additional roof-top microwave antennas and cellular antennas may be detrimental to the public health and safety.

b. That evidence put forth by the applicant and others

in support of the project was inconclusive because no witness or evidence presented concluded that the proposed use of the property was safe.

Section 5. Based on the foregoing, the City Council grants the appeal and hereby denies Conditional Use Permit 92-19.

PASSED, APPROVED AND ADOPTED ON THIS 6th DAY OF July, 1993.


MAYOR

ATTEST:


CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, MARY TYSON, CITY CLERK OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution No. 1161 was duly and regularly introduced, approved and adopted by the City Council of the City of West Hollywood at a regular meeting of said Council held at the regular meeting place thereof on the 6th day of July, 1993, by the following vote:


AYES: COUNCILMEMBERS: KORETZ, LANG, AND
 MAYOR GUARRIELLO.

NOES: COUNCILMEMBERS: LAND AND HEILMAN.

ABSTAIN: COUNCILMEMBERS: NONE.

ABSENT: COUNCILMEMBERS: NONE.

WITNESS MY HAND AND OFFICIAL SEAL THIS 7TH DAY OF JULY, 1993.



MARY TYSON, CITY CLERK